

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1313 be amended to read as follows:

- 1           Page 20, between lines 11 and 12, begin a new paragraph and insert:  
2           "SECTION 17. IC 3-10-6-4 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as**  
4           **otherwise provided in this section, all candidates for nomination to**  
5           **an office of the municipality by a major political party must be**  
6           **placed on a primary election ballot for the candidate's party.**  
7           (b) **If no candidate has filed for the nomination of a party to any**  
8           **office of the municipality, the party may not hold a primary**  
9           **election in the municipality.**  
10          (c) Whenever there is no contest in a political party for the  
11          nomination of a candidate or candidates for an office, **but at least one**  
12          **(1) candidate has filed for the nomination by that political party,**  
13          the party may hold a primary election for that nomination.  
14          (d) **If a party wants to conduct a primary under subsection (c),**  
15          **the county chairman of the party must file a notice with the county**  
16          **election board not later than noon seven (7) days after the final**  
17          **date for filing a declaration of candidacy, stating that the party will**  
18          **hold a primary.**  
19          ~~(b)~~ (e) The county election board of the county in which the greatest  
20          percentage of the population of the municipality is located shall certify  
21          the names of the candidates for each nomination for which there is no  
22          contest as though a primary election had been held.  
23          ~~(c)~~ (f) If:  
24              (1) there is a contest in ~~a precinct~~ **an election district comprising**  
25              **all or part of a municipality** in any party for a nomination for an  
26              office; or  
27              (2) a party has decided to hold a primary election for an office  
28              under subsection ~~(a)~~; (c);  
29          the name of each candidate of ~~each the political party for that office~~  
30          **within the election district** shall be placed on the primary election  
31          ballot for ~~that precinct, the election district,~~ whether or not the  
32          candidate is opposed.  
33          (g) **This subsection applies when:**

(1) there is a contest for nomination by a major political party for at least one (1) of the municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the primary election for the political party's nomination of the legislative body member; and

(3) there is no contest for nomination to an office to be voted on by all voters of the political party of the municipality.

The county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that a primary election for the party will be held only in the legislative body election districts in which voters will nominate candidates under subdivision (2). The names of unopposed candidates for the party's nomination for an office to be voted on by all voters of the municipality may not be placed on the ballot used within the election districts for the nomination of candidates under this subsection.

~~(d)~~ (h) If:

(1) there is no contest in ~~a precinct~~ **an election district** in any party for a nomination for an office; and

(2) no party has decided to hold a primary election for any office under subsection ~~(a)~~; (c);

a primary election may not be held for any municipal office in the ~~precinct~~ **election district**."

Page 20, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 19. IC 3-10-6-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) This section applies to a candidate:**

(1) of a political party that is not a major political party; and

(2) nominated by a convention under section 12 of this chapter.

(b) A county election board may not include the name of a candidate on the municipal election ballot if the person files a notice to withdraw with the board. The notice must:

(1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;

(2) have the certificate of acknowledgment appended to the notice; and

(3) be filed with the board not later than noon three (3) days after the adjournment of the convention."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1313 as printed March 24, 1999.)

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Senator LAWSON C